

THE MERCHANTS

NEW-ROYALL

Exchange:

Framed at *Roan*, and brought
ouer to be set vp in
England.

OR,

*A Law-Booke for English
Merchants.*

Concordia parua res crescunt.



LONDON

Printed by T. C. for Cutbert Burbey, and
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the Swanne. 1604.

THE
MERCHANTS
NEW YORK

Importers and
Exporters of
all kinds of
merchandise

100
New York
City
N.Y.



1854
New York
City
N.Y.



TO MY LO-

ving Country-men, but espe-

cially to the Merchants of

London.



Olde is the Merchaunts
Cape of *Buon Esperanze*,
he sailes about the world
onely to recouer it : for
Riches is the brightest
star, whose heighth, Traf-
ficke takes, to direct it
selfe by. Yet doth this

Tree of Enter-course bring forth other
sweete and delectable fruites : It is not alto-
gether planted in the garden of the *Hesperides*,
onely to beare golden Apples : No : It
carries other frutages, almost as faire : For
the vertue of Commerce, is to discouer coun-
tries : the pleasure of it, to be familiar with
Nations : the exercise of it, to get politique
experience : the benefit double : for both the
forrein & the free-borne are crowned with
wealth by it : the black Indian, & the white
Englishman, filll their purses by one & the

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same bargaine. So that the Straunger (how much Salt-water soeuer parts him and vs) is a husband-man in our owne Country : hee reapes the fruites of our earth as plenteously and as freely as wee our selues : Is acquainted with the blessings of our Land, and tastes them as we do. And though he cares not to vnderstand our Language, yet is he curious to vnderstand our Ladings : looking rather into the bottomes of our Shippes, than on the brauery of our Parlours. And this happinesse which hee deriues from vs, we doe backe againe reduce from him : So that it is but a neighbourly borrowing and lending betweene Kingdomes. And all these goodly Triumphes are brought in by Traffick, Merchants being the chiefe and Maister-workmē that giue the beautie & Illustratiō. To speake in praise of whose dignitie, were idly to extoll that, whose worthines none can call in question. Sure it is, that all Common-weales flourish where they prosper, and wither where they are pluckt vp : Insomuch that Kings haue bin, & at this day are of the Societie, the greatest number of their houres being spent in the exercise of Merchandize.

The affection therefore which I carry to all you (my deare Country-men that profess this Art of Negotiatiō :) together with an Ardor and zeale to see the Merchants of this Kingdome, grow vp into a liuely Politicall

to the Reader.

ticall Bodie, as they do now in *France* and other Dominions : haue giuen me a boldnes and willingnes to entertaine this labour. It is a *New*, & a *Royall-English-Exchange*, which I would build for you : The Moddell of it, I confesse, I founde drawne to my hand in *France*, you all are acquainted with it : Set then all your hands to the Frame, and helpe to reare it vp in England. Cast not your eyes on the rough pieces which I haue hewē out, but on the purpose, for which they are thus wrought vpon. And albeit perhaps, my ignorance & vnpractised familiaritie with these French phrases, which here speak their Law in broken English, may make you cast aside this booke in the reading, yet doe not cast aside the matter. Admit that in turning ouer the leaues, you should finde no other stuffe then this, that the French King (imitating therein, the Greeks and auncient Romanes) hath instituted such a Burse or Guild-house, for Merchants : and ordained three such Officers, &c. Why euen this should be enough to intice you (whō it concernes) to buy this paper-commoditie : and hauing founde this measure of *Hercules* his foot only, not to cease til you haue got so much cunning, as to draw out the whole symetrical proportiō of all his body. You haue many helpes to do it : you haue the voices not only of forren Christian Kinges speaking in your behalfe, But euen of our owne most gracious and godly

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Soueraign. The penne (with which he hath not many yeares since, signed such like Royall Priuiledges, for the benefit of his Countrey *Scotlande*, and the Merchants thereof,) holds yet ynck enough in it, to bestow the like Princely grace vpon you the Merchants of England. Be humble petitioners to his Maiestie for it. It is no Innouation: It is no vpstart attempt: other Realmes haue broken the yce: follow you their steps, that a way may lye smooth before you.

There are many Spurres, that (if they were clapt to your sides) would make you to keep company in this beaten path. They whose money-bags are shrunk together by reason of that Siluer Consumption, which tedious Lawe-suites haue brought them into, can rise vp as fittest Orators to perswade you to this enterprise. The wofull experience of many a sometimes-wealthy Citizen, (who hauing scape shipwracke on the seas, hath notwithstanding bin cast away on the land, by intangling his estate in the nettes of the Lawe) may with his cryes awaken you, to preuent the like future mischiefes, that (without prouidence) may fall vppon your selues. Be wise therefore: A medicine is inuented, and (by the tryall of other Cities that haue taken the phisicke) approued to be so wholesome, that it cannot choose but doe
London

to the Reader.

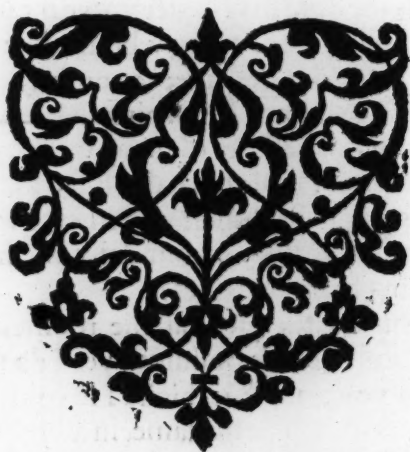
London much good. Do but entertaine (for
a taste) these considerations : Of what fashi-
on are all your controuersies ? Flow not all
your variances frō the troubled head of your
Accounts ? Are not your suites (which now
and then many yeares cannot weare out)
drawne from your bargaines and barterings
when they be not perfectly wrought ? What
hands therfore may better vntye those knots
than your owne among whome they are fa-
stened ? Who are fitter to conduct you out
of those windings & turning-Mazes wher-
in the whole estates of many wealthy Mer-
chants are often-times halfe-lost, than your
selues, that haue best experience in those
causes, by reason of your daily and hourelly
treading in those pathes ?

Suruey therefore all the roomes of this
beautifull French building: yet I do not en-
ioyne you, neither thinke I it conuenient,
that you purchase the same, in all respects as
it is to be seene standing heere : but by this
patterne, you may easily fashion such ano-
ther, more apt for your selues, and more a-
greeable to the condition of our own Coun-
trei.

Do but study this Merchants *Law-Booke*,
with y^e same carefulnes that you peruse your
Debitor & Creditor, and you shal not need
so often to goe to Law. It is a learning will
much

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much aduance you and your posterities, follow it therefore. And thus wishing safe harbors to your Shippes when they are foorth, and to your Soules the land of heauen, when they are bound thither, I bid you farewell.





THE MER-

chants Newe Royall Exchange.

An Ediēt by the King, for the ordeining and establishing (in the Citie of Roane) of a Common place for Merchants, according to the order of the Change in Lions, and the Bourse in Thoulouze.



Henry by the grace of God King of *France*, to all maner of persons of what estate soeuer greeting; As we haue bin heretofore aduertised, that our Citie of *Roane* is one of the best Townes in all our Kingdome, by reason of the scituation and aptnesse for all Commerce and Trafficke, where diuers Merchants (as well of this our Realme, as of many other Nations) do vsually hold an entercourse of buying and selling, for the continuance & propagation

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pagatiō of which Trade, There hath of late (by vertue of our Letters misſiue) bene erected & eſtabliſhed in the ſame Citie, a *Common place for Merchants and their Factors* to aſſemble themſelues in, twiſe euery day at the houres accuſtomed; to diſpatch their affaires and Negotiations in ſuch maner as is accuſtomably vſed in the Change at *Lyons*, and the Bourſe at *Thoulouze*, to the intent that the forreine Commodities of other Countries may more readily be transported and exchanged away with thoſe which our owne bringeth forth.

Be it therefore knowne to all men, that Wee (through an ardent zeale and deſire that we carry to aduance the generall good of our ſaid Citie of *Roane*, and to augment the Common benefit and eaſe of all Merchants Negotiating there, and in all things poſſible to gratifie them, that they may not be diſtracted & drawne from their affaires and buſineſſe, into ſundry Courts and Iuriſdictions, (by meanes of Suites and variances ariſing at any time about their Trafficke) by the deliberate ad-
miſe

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use of our Priuie Councell, (together with diuers Noble men and Princes of our blood) besides other great & Honorable personages: Of our owne proper motion, assured knowledge, and Regall authoritie, haue approued and confirmed, and by these presents do approue and confirme, the making and establishing, of the saide *Common Place* in that our Citie of *Roane*, Instantly ratifying the same in all points, with the Change of *Lyons*, and the Bourse of *Thoulouze*.

Willing & ordeining, and our pleasure is, that all Merchants, Factors, and all others of what Nation soeuer, may assemble themselues in the same twise euery day, at the houres accustomed: And in their meetings shall freely vse their Trafficke, and passe their Busines aswell by exchange as otherwise, not onely in the same place, but also in any other whatsoeuer within the Liberties of our said citie of *Roane*, whē & where they shal think good, with all assurance and safetie to their Merchandize: And withall those Priuiledges & Liberties,

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which Merchants Trading to our Townes of *Lyons* and *Thoulouze*, do enioy and vse, according to the graunt of our predecessors kings of *France* and of vs.

Furthermore, We will and ordaine, that the Merchants of the said Towne of *Roane* (frequenting the same place) shall every yeare cause a societie of Merchants to be in the Lodge of the said Bourse, or in any other place in the same Towne, and at such time as they shall thinke good, in which meeting they shall chuse out of the said number three officers, *viç.* A Prior & two Consulls, to remaine in their authoritie for one yeare, and so yearly to be changed, and there new to be elected, according to the ordinary forme of most voyces: not only the Merchants of the Towne of *Roane*, but also the Merchant straungers, being to be present & assistants in the said election: which election and nomination being fully ended, the said Prior and Consulls shall haue present power in them, to take knowledge and to giue iudgement (betweene all men
of

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of what estate, qualitie, or condition
foeuer they be) of all suites, controuer-
sies, and differences touching matters
of Merchandizing or buying and sel-
ling, in such maner as the *Conseruator*
of the Fayre at *Lyons*, and the Prior and
Consull at *Thoulouze* do, as w^el for Ob-
ligations, Bills of debt, Receits, Blankes
signed, Bills of Exchange, Answers by
Suerties, Affociations of Merchants,
(either generall or particular) Assuran-
ces, Accounts, Transportations, Bar-
gaines, and partnerships, for matters a-
foresaid, or any thing belonging there-
unto, with as full strength, and accor-
ding to the Iudgments, and Condem-
nations, of the saide *Conseruators* of
Lyons, and the Pryor and Consulls of
Thoulouze, And that the Iudgements:
and Sentences, Decrees and Ordinan-
ces, Commissions and Commaunde-
ments of the said Prior and Consulls of
Roane, by speeches, prouisions, or defi-
nitives, shall stand in as much force and
effect, for any matter Iudicially deter-
mined, as those causes which the *Con-*
seruator of *Lyons*, and Prior and Con-

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fulls of *Tboulouze*, and others of our Iudges do decide: And the same shall be executed by our Sericants and Officers, in such maner and forme, as they are in their behalf aboue named, either by committing to prison, or by inflicting seuerer punishment, if it be so decreed and ordeined: And to that ende shall our Messengers and Officers be bound to performe the executions: Our Iaylors and Keepers of our prisons, shall likewise be bound to receiue and keep all such prisoners, in such manner as if they were committed vnto them by our aboue-said Iudges, and with the like bond and penaltie (if any escape happen) as they be bound to keepe the prisoners by the authoritie of the saide Iudges, For so we haue enioyned, and do enioyne our Messengers, and other our Officers, Iaylors, and Keepers of prisons, vpon such penalties, as the case shall require, and according as by the said Prior and Counsells shall be set downe and declared, without any default, according as the offence committed shall require.

More-

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Moreouer, we haue suffered, and do suffer, the saide Prior and Consulls, to take vnto them, twentie of the saide Merchants, or more or lesse as they shal thinke reasonable, to assist them in proceeding in their Iudgements, in causes of Merchandize, Bills of Exchange, Assurances and Differences as abouesaid, And to cause to be executed, their Sentences, Iudgements, and Ordinances, of pawnes and Consignements, prouisions, seyzing of goods, and all their other Condemnations, Sentences or appointments, to proceed therein by Cries, Proclamations, giuing notice to themselues, or leauing notice at their houses by prooffe, sales, depositings, deliueries, and execution definitiue as the case shall require.

Likewise, We giue them power, to direct the same Proces, and to proceed therein, according to their Ordinances, as well in matters summarily, as by prouision: As Reknowledgement of Billes, Subscriptions, and Letters of Exchange.

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And the like in acts of pawnes and consignments, by one onely fault duly proued, by sommoning the person at his house, or fixing there a copy of the Commission or proces, in all places where it is lawfull to bee done. And touching other matters, where two defaults shall be made, or sommoned in person, they shall proceed, obserue, and keepe the course according to the Kings ordinances. And for all matters wherein they shall giue sentence of execution according to their knowledge, We will, and We doe permit them (as before is sayd) to cause the execution to passe in all places of our Court of Parliament at *Roane*, and in all other places of our Kingdome, where neede shall require: without any disturbance, or let to be done, by any of our Iudges, Iusticers, or Officers, either against them, or their deputies: Neither shall they let or hinder any sommons, or arrest, exploite, or assignement to be done before them.

And to giue their assistance in all causes appertaining to their knowledge,

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ledge, touching matters of Trafficke,
and all things thereunto belonging, a-
gainst al Merchants trading in our said
Citie of *Roane*. And as touching their
factors, dealers, & intermedlers, of what
qualitie soeuer they be, (sent by them
into diuers Countries, Regions, and
Prouinces, as well within as without
our Kingdome, Countries, and Domi-
nions vnder our obecens, for the cause
of Trafficke, Merchandizing, & doing
of businesse, and all other things there-
vnto belonging;)

We wil and ordaine, that they may
bee constrained to bring their causes
and proofes, for all matters aforesaide,
before the sayd Prior, and Consuls, for
the time now being, or that shall here-
after execute these Offices: be it either
for the rendring of account, and satis-
faction of part, or of whole, or con-
demnations in penalties, or other con-
demnations for amends for trespasses,
and of all other things that shall bee re-
quisite, concerning, and belonging to
the trade of Merchandize, according
as they shall deserue; Whereof Wee
haue

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haue permitted them, and do giue the power to vse the forme, euen as the sayd Conseruator of *Lyons*, Prior and Consuls of *Thoulouze*, and others our Iudges do. And to cause execution to be serued on the offenders, either by arrest, attachement of goods, and sale thereof, or by impisonment of the parties condemned, euen as they shall thinke good. Inhibiting all our Iudges to presume to take knowledge of any of their sayd proceedings, or of any matter or plea thereunto belonging: which our Commaund, We will to be notified vnto them, and vnto whom it shall appertaine, by the first of our Officers, or Seriants that shall bee required, whom We inioyne to performe the same accordingly, to the intent that all those charges and extraordinarie expences, which Merchants may be put vnto, in following their suits against their Factors and dealers, before many Iudges, might by this meanes be vtterly auoided.

Furthermore, We haue permitted and do giue authoritie to the said Pri-
or

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or and Consuls, that al such penalties of moneyes as by thē shall be inflicted vpon men for cōtemp̄ts, or any other offences, shalbe forfeited, the one halfe to Vs, the other halfe to the vse of the said Common place, or Bourse of *Roane*, to supply the wants thereof; Allowing them likewise, absolute libertie and power, to chuse and constitute one Counsellour, and one Atturney, who shall by all lawfull meanes, labour the benefit and aduauncement of the sayd place, and shall defend the same; to direct their proces and causes, aswell before the said Priors and Consuls, as before all other Iudges.

And to the end, that the Merchants may assemble themselues, as well to consult of their common affaires, as to constitute the sayd Counsellour and Atturney, without being subiect to re-
paire to Vs, or to our Iudges for leaue, when need shall require. Therefore all such Iudgements as shall passe before the Prior and Consuls, being sealed with their seales, and signed by a Register by them appointed, be it by imprisonment,

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sonment, sale, disposing of goods, or otherwise, shall be held for reall and lawfull, being past in maner aforesaid; without any constraint to obtaine our further permission or liking, euen according as was permitted by our most honourable father the King, vnto the Merchants of our Citie of *Lyons*, by his Letters pattents; Giuen in the month of February, in the yeare of our Lord, 1535. Reseruing vnto our said Court of Parliament, at our said Citie of *Roane*, for a last conclusion; and by appeale, the iurisdiction and knowledge of the sayd discords and differences.

And to the end that all such appeales as shall proceed, by reason of the iudgements and sentences that shall be giuen and declared by the said Prior & Consuls, may be speedily and without delay ended in our sayd Court, We haue ordained, and do ordaine, inioyne, and commaund, all our louing and trustie Presidents, and Councillours, (holding our sayd Court of Parliament) to declare to the said Merchants, without delay, one day in euery weeke, such as they

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they shall thinke conuenient; to heare determine, and dispatch the sayd appellations, by order of Role, for that purpose ordained. And in regard of the proces by writing, there shall be one other Role made apart, to the end that the said appeales may be ended in the same day, to auoid the prolonging of suites, to the ruine and consuming of the suters. And to the end that the said place of meeting of the Merchants, twise a day, may be quiet and without disturbance; Our pleasure is, and We do straightly command, that none of our Serieants and Officers, presume to enter into the same place, nor to make any arrest (for any cause) of any person whatsoeuer, during the time of those two accustomed houres of meeting. And if such arrest should be made during the sayd houres; We haue declared heretofore, and do declare at this present, the same to be voyd and insufficient: charging all our Iudges, not to haue any regard thereunto.

And as We are informed, that the Trade of *Assurances*, is of late greatly aduan-

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aduanced by the Merchants of the said Citie of *Roane*, (a work so honourable) that it doth euen beautifie and greatly aduance the Trade, and Commerce of the sayde Citie. We (to the ende those sayd policies of the sayd *Assurances*, and all other writings thereunto belonging, may receiue full vigor) haue permitted, and do permit, that all Merchants frequenting the sayd place, (both now and hereafter) to come to assemble themselues at all times, when it shall be needfull; to chuse and nominate according to the most voyces, one Merchant amongst them (such a one as they shall thinke meete, being a man trustie and expert in the knowledge of the Trade of *Assurances*) who shal make and register the sayd policies, wherevnto the Assurers shall set their hands at all times hereafter in the sayd place and liberties of *Roane*, when as it shall please the Merchants: whose office shal likewise be, to draw forth accounts of such arrerages as shal happen, (being thereunto called) receiuing for his paines, and time spent about the busi-
nesse

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nesse of the same *Assurances*, according as it shall be thought meete by the sayd Merchants: And keepe a perfect & true Register of the same *Assurances*, To the which Register and Coppies thereof, and all other Acts and writings by him made, concerning matter of *Assurances*, and by him assigned; We will and ordaine, that all maner of credite shall be thereunto giuen, before all Iudges, and others to whom it shall appertaine, without that any other person or persons, shall haue to do, or meddle in the sayd busines of *Assurances*, or any thing thereunto belonging; vnlesse he be before chosen and admitted thereunto, by the sayd Prior and Consuls, and by the sayd Merchants as beforesaid.

And We do commaund, and giue in charge, to al persons holding our courts of *Parliament*, *Great Counsels*, *Admirals*, *Viceadmirals*, *Stewards*, and their *Deputies*, and to all other Iudges and Officers whom it shall concerne, that you do causeto be read, proclaimed and registred, this our present Will, Declaration, Permission, and Ordinance; and
the

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the same to be obserued and kept by all them accordingly. That the Merchants may vse and inioy the force and benefit therof, plainly and peaceably, without any contradiction.

Moreouer, We do charge and command our *Attorney Generall*, that he do withall diligence, cause all these things to be plainly & truly executed, and that he do certifie vs of his diligēce so done. For such is our pleasure, for that of our meere motion & power, We will haue it done, notwithstanding any Ordinance, Customes, Statutes, Priuiledges, Commaundements, Defences, or Letters to the contrary, the which in this cause, without doing preiudice to other causes, We haue made voyde, and do hereby make voyd. And for that men shall haue occasion to vse this our Graunt in diuers places; Our pleasure is, that credite shall be giuen, to all such Coppies, as shall be made by any of our louing and trustie Notaries, and Secretaries, or vnder our Royall Seale, in as ample maner, as to the originall.

And to this effect, We do giue you
full

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full power, Authoritie, Commission
and speciall charge: Commanding by
these presents, all our Iustices, Officers,
and Subiects, to obey you in this case.
And to the end this may remaine esta-
blished for euer, (Our owne right in all
other causes reserued,) We haue here-
vnto caused our Seale to be put. Giuen
at *Paris*, in the Moneth of March, and
in the yeare of our Lord, 1556. And
the tenth yeare of our Reigne, and sig-
ned by the King, then in counsell, and
sealed with greene Waxe, vpon a pen-
dant of red and greene silke lace.



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The



THE AVTHOR, WI-
sheth to all Merchants, health.



Orthy Merchants, the
King our soueraigne
Lorde (in whose bo-
some, Iustice and
Right, liue in safe
protection) knowing
what Priuiledges, not
onely He, and his Predecessors, but
also all the Romane Emperours, haue
graunted vnto you, in regard of the
Trade of Merchandize, and the order
of Exchange, both of gold and siluer:
hauing made you thereof absolute
Iudges, for the ease of all other Iudges,
who in such cases can doe nothing,
without calling you to be Arbitrators.
For the better administration therfore,
of Iustice to his subiects, in all such cau-
ses which in times past were reserued
to your vnderstandings: And for that
you

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you may perceiue your authoritie and iurisdiction, not to be a new thing, or of late deuised, (but first founded by the Greekes, from whom the Romaines haue taken their groundes, I haue thought good, for your more ease, brieflie to comprehend and to set downe in writing (although not all) yet at the least a good part of your power and authoritie; And to shew you in a manner the Kings pleasure, how you may proceed and keepe your auncient Priuiledges, and that without doubting of your authoritie, you may speedily proceed, to iudge of all such differences, as doe appertaine to your knowledge. Desiring you, to take this in good part, & to defend the same against all those, that will enuie, not on-ly me; but your selues.

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A reason wherefore this auncient Authority was granted to Merchants.

THERE be two things that cause a Common-wealth to flourish, and are maine supporters and pillars to the same; The Trafficke and vse of Merchandizing, is the first: For by it, the superfluity of those Commodities, which in some one Countrey, grow ranke and abundaunt, are transported ouer into others; In whose stead, the needfull Commodities of those other Kingdomes are returned thither. For which cause the Emperour, commanded all his Iudges, and gouernours of Prouinces, to hold the same in great estimation. The second, is the Order and custome of Exchange, whereby any mans need may be supplied in all places whersoever, onely by a bill of Exchange (of a Merchants of credite) without endangering either his goods or person: A thing most profitable as reporteth *Papinian*: So that the auncient Law-makers (perceiuing that Merchants

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chants were the first letters vp and in-
uentors of Commerce, for buying and
selling, together with the order and vse
of Exchange: and that they had therof
the best & soundest vnderstanding, did
wisely institute them, onely to bee the
principall Iudges thereof: whereby it
appeareth to bee no newe authoritie,
whose beginning grew vp, euen with
the best gouerned Common-wealths:
As may bee proued by infinite exam-
ples both of Greekes and Latines.

*The number of Officers, appertaining
to the said Iurisdiction and of
their power.*

ARTICLE. 1.

THERE is one Prior, and two Con-
suls, carying those Titles, accor-
ding to the Kings pleasure, being re-
nued euery yeare, about Twelue-tide,
at which time all the Merchants (as wel
Burgeesses as Strangers) are assembled
in one place; where after they haue gi-
uen prayes to God, choyse is made of

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the sayde Prior and Consuls, by most voyces; In which election, euery Merchant hath their voyces, according to the number of Magistrates whom they are to choose: the manner of giuing their voyces being done seretly, either in the fauour or refusall, of those that are nominated. As first for the Prior, then for the first Consull, and next for the second Consull: And so giue they the same, to the Notarie of their Registers. And whosoever hath the most voyces in the election of the Prior, is Prior: and so consequently for the Consuls: Following orderly, the choise of the first, and next after the second: being a thing most commendable and requisite, for the auoyding of all affection and corruption. The President whereof, being taken from the Greekes, who by the same course did make choice of their Magistrates and Gouvernours.

ARTIC. 2.

Item, the Prior and Consulls newly chosen, doe take their oath of the
old

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old ones, and immediatly being set in the manner and forme of the former, they take the same oath, in presents of all the Merchants there assembled, promising duely and faithfully to execute Iustice, without any regard, either to poore or rich, as other Iudges doe, when they are newly established in their government.

ARTIC. 3.

Item, the sayde Prior and Consuls, present, or to be chosen hereafter, may call vnto them, twentie Merchants, or a greater number to assist the, as Counsellours, for the vnderstanding and deciding of all such differences, as appertaine to their knowledge : and to vrge the saide Merchants thereunto, vpon their oathes : in such sort, as other Iudges doe (with such Counsellours as they make choise of, to assist them) in like case, in regard of their Authoritie.

ARTIC. 4.

Item, the sayd Priors and Consuls,
C 4 may

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may constitute one Counsellour, and one Atturney, to procure the good and maintenance of the sayd Common place, & to defend the same in all rightfull causes, and to conduct (as Iudges) both the suites, businesse, profits, and preferments of the same place, as well before the said Prior & Consuls, as before all other Iudges wheresoeuer.

ARTIC. 5.

Item, the sayd Counsellour and Atturney, shalbe chosen by the most voices of all the Merchants, assembled together for that purpose: And not at the will and pleasure of the Prior and Consuls: and are to be changed every yeare, according to the wils and discretions of the same Merchants of the same place; having taken a generall deliberation thereof, according to the tenure of the said Letters Patents of the Moneth of May, the Kings pleasure being well ynderstood.

ARTIC. 6.

Item, the said Prior and Consuls, shal take the oaths of the sayd Counsellour and

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and Attorney, that they shall procure as well the good and profit of the same place, as the credite & increase of their Authoritie, and the same shall defend against all men: And they shall neuer giue counsell to the contrary, by any meanes whatsoeuer.

ARTIC. 7.

Item, the sayd Prior and Consuls, may call to their assistance, the sayde Counsellour and Attorney, that with them & the said other Merchants, they may iudge and decide all suites and differences, appertaining to their knowledge.

ARTIC. 8.

Item, the sayd Prior and Consuls, of their owne authoritie, may appoint such a Register, as they shall thinke meete, to keepe their Registers, who shalbe changeable euery yere, as are the Prior and Consuls; The which Register shall subscribe to all Acts, that shall passe during their government, and by him done, vnder the title of a Register, As is contained in the Letters Patents, of the Moneth of May.

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ARTIC. 9.

Item, all Messengers, and such like Officers of the Kingdome, are constrained by the King, to obey the said Prior and Consuls, and duely and amply to execute, all and euery their Commandements, Commissions, Sentences, either definitiue or otherwise; And all the iudiciall Acts and Decrees, of the said Prior and Consuls, in euery place of the Kingdome, like as of the Iudges in all other Gouvernements, whereas the said Messengers and like Officers, doe exercise their Offices : and vnder the same penalties to bee layd vpon them without default, like as they may be constrained to obey other Iudges, as is contained in the sayd Letters Patents of the Moneth of May.

ARTIC. 10.

Item, all Taylors and keepers of Prisons, are subiect to receiue and keepe the prisoners committed vnto them,
by

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by the said Prior and Consuls, as they doe the prisoners of all the other Iudges; and vnder the same penalties and bonds, if any escape happen, euen like as they are subiect to keepe the prisoners by authoritie of the other Iudges of the kingdome, as is contained in the said Letters Patents of the moneth of May.

ARTIC. II.

Item, the Kings pleasure is, that all the said Messengers and such like Officers, And all Iaylors and Keepers of prisons within all his Dominions, shall obey the said Prior and Consuls, without demanding leaue or other Licence of other Iudges, within whose gouernment they do dwell, and exercise the charge of their Office, according as the late King *Francis* (of noble memory) hath graunted to the Conseruator of the Fayres of *Lyon*, in the moneth of February, in the yeare of our Lorde GOD, 1535. As in the lyke
autho-

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authoritie, the Prior and Consulls of the Bourse of *Thoulouze* haue bin established, by this King present, As is contained in the Letters Patents hereafter specified.

ARTIC. 12.

Item, the Kings pleasure is, and he doth permit & suffer the said Prior and Consuls, to make choise, & to appoint, within all the Townes, Villages, and other places, of the Prouinces of *Languedocke* and *Lorogois*, certaine good, faithfull, and expert men, to search all the merchandizes, which is growing and vsed in the said Prouinces, to see if there be any abuse, fraude, falcification, or other deceit in any of the saide merchandizes: And according to the report of the said Searchers, to punish the offenders, according to their deserts, and power of their authoritie, for the benefit of the said merchandizes, as is contained in the said Letters Patents of the moneth of May.

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ARTIC. 13.

Item, the saide Prior and Consulls, may place, one or more Visitors or Searchers for the abovesaid causes, in all places wheras they shall think meet, for the true maintenance of all merchandizes: And the said Searchers so placed, they shall take their oathes in all things requisite, to discharge their Offices faithfully, and truly, and according to a good conscience: And to search the said merchandizes, whereof, and by whom they shal be required accordingly, for the respects contained in the former Article: And the charges that shall arise, to be laide vpon the offenders, according to the report of the said Searchers, to whom the said Prior and Consulls shall set downe a reasonable Salary, or reward, to be presently paid vnto them without any circumstance; to the end not to feare the parties offending, by colour of suite, as the Kings pleasure is, in the saide Letters Patents of the moneth of May.

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ARTIC. 14.

Item, the said Prior and Consuls, may place the said Searchers to take view of all Woods, Saffrons, Woolls, and all other merchandize that shall be growing and vsed in the saide Prouinces of *Languedocke* and *Lorogais*, As is contained in the said Letters Patents of the moneth of May.

ARTIC. 15.

Item, the said Visitors or Searchers, being chosen as before is said, shall be subiect vpon any sommons or request made vnto the, by any Merchant that pretendeth any merchandizes to be falsified, or any other deceit to be found in it, that they should execute their Offices, be it either in the Kings name, or in the name of the said Prior and Consuls, without other expresse commandement from the said Prior and Consuls: And shall duly and truly search the merchandize whereof they shall be required, vpon the like paines and forfeitures,

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feitures, as should haue bene laide vp-
on him, who by their report, should
haue bene found culpable, to the ende
that the parties offending, should not
be made afraide by Letters, nor no o-
ther meanes vsed in the other Iurisdic-
tions, for the gaine & profit of the Iud-
ges and their Ministers, Considering
that the said Searchers shall be chosen
and constituted, as before is said.

ARTIC. 16.

Item, the said Searchers may (in the
Kings name, and in the name of the
saide Prior and Consulls) commaund
euery man whom it shall concerne, to
bring foorth all their merchandizes,
which they shall be required to search,
that they may truly discharge their Of-
fice: And if any man shall in such case
refuse to bring forth his goods, They
shall Sommon them (so refusing) to
appeare before the said Prior & Con-
sulls, that they may take order therein
according to reason.

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ARTIC. 17.

Item, the saide Prior and Consulls, may punish such as shal cause any merchandizes to be searched, if by the Visitors, the same merchandizes shall be found good and lawfull : as contrariwise, they may punish the Refusers, or them that haue committed any fault in their merchandizes, in such penalties as the case shall require, and as their authoritie may vse.

Of the Forfeitures and punishments, and what seale the said Prior and Consulls may vse.

ARTIC. 1.

Item, the said Prior and Consuls, to entertaine, conserue, and defend their authoritie, may for euery offence, vse only the penaltie & forfeitures of money, and shall apply the same, the one halfe for the King, the other half to the partie, according to his desert : As is contained in the saide Letters Patents of the moneth of May. AR-

The Merchants

ARTIC. 2.

Item, the saide Prior and Consulls may without dispearling of the goods, proceed by sequestration, arrest & imprisonment of the persons, who by them shall be condemned, vntill their sentence be fully executed, according to such forme and order, as the Conservator of the Fayres of *Lyon, Brie, and Champaigne*, doe vsually obserue, as is contained in the saide Letters Patents, of the moneth of February hereafter expressed.

ARTIC. 3.

Item, to giue force and authoritie to all the Iudiciall Acts (being done by the authoritie of the said Prior & Consulls,) the same shall be sealed with the Armes and Casket of the said Prior, or of one of the said Consulls, who hath iudged the saide Acts, And the same shall be subscribed by their Notary, euen as it is more amply expressed, in the said Letters Patents of the moneth of May, being thereby prohibited, to vse any of the Kings Seales, according to the tenour of the said Letters.

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The Merchants

ARTIC. 4.

Item, the saide Prior and Consulls, hauing knowledge of any fraude, or other deceits, to be vsed by any man, they may cause the body of the offender to be committed, & proceed with the offender, so far as his offence shall cōcern trade of merchandize, Change, or Rechange, although the King be interested therein; Provided that they proceed no further, then concerneth matters of merchandizes, Change, and Rechange: And for his other punishment for other vices, they shall deliuer the persons to the Iudges, to whome doth appertaine the knowledge thereof, for the better punishing of the offender, and the correcting of all other vices, and not otherwise.

ARTIC. 5.

Item, all Iudgements of the saide Prior and Consulls, may be executed throughout all the Kings Dominions, be it by Attachment of goods and sale thereof, arrest, and imprisonment of the persons condemned, as also by penalties

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nalties and forfeitures of mony, according to the cause of the offence, & the authoritie of the said Prior and Consulls, As is contained in the said Letters Patents of the moneth of May.

ARTIC. 6.

Item, all Iudgments, Sentences, Ordinances, Commissions, Decrees and Commaundements, as well definitiue as otherwise, being done and iudged by the said Prior and Consulls, for all matters pertaining to their knowledge are of effect and force, through all the Kings Dominions: As is contained in the said Letters Patents in the moneth of May: and others of the moneth of February, hereafter specified, according to the order, as well of the Conservator of *Lyon*, as of other Iudges.

*Who are subiect to the authoritie of the said
Prior and Consulls, and who
are exempt.*

ARTIC. 1.

Item, all noble personages & others,
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all spirituall men, and lay-men, of age, or vnder age, or their deputies, vsing and exercising the Trade of merchandize or exchange, shall in that respect be subiect to the power and authoritie of the saide Prior and Consulls, without any maner of exception, as is contained in the saide Letters Patents, of the moneth of May, & the Restrictions therof, cōtained in the Letters Patents, Giuen at *Fountain Bleau*, the seuenth of December, in the yeare 1551: And published in the Parliament at *Thoulouze*, the ninth of February in the same yeare.

ARTIC. 2.

Item, all Seruants, Factors, Dealers, Intermedlers, and others, of what qualitie soeuer they be, being sent by the Merchants of the saide *Thoulouze*, into any place, Countries, Dominions, or Prouinces, beeing either within or without the Kings Dominions, for the Trade of merchandizes or exchanges, are subiect to the authoritie of the layd Prior and Consulls, onely in the respect of the Trade of merchandize and exchange.

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exchange. And all other Iudges are forbidden cōcerning such debates and differences, growing between the said Merchants, and the parties about specified in this Article, onely to auoyde the fraudes, abuses, and ill demeaners of the said seruants and dealers, and for other good reasons, contained in the saide Letters Patents of the moneth of May.

ARTIC. 3.

Item, all the heires of such men, as are subiect to the said authoritie, of the said Prior & Consuls, and by them shal be arrested & imprisoned, are exempted : And the saide Prior and Consuls shall not haue to do, to arrest the bodies of the said heires, but the same suite shall proceed before the Lordes of the Court of Parliament of the said *Thoulouze*, according to the effect of the Letters of the eight day of March, in the yeare 1551. grounded aswel by common reason of Right, as by the Kings Ordinances in the *Rewbricke* of Letters Obligatories.

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ARTIC. 4.

Item, all Noble personages, Lawiers and Officers, are exempt from the said authoritie, although they haue bought Cloath of what kind soeuer, borrowed mony or other merchandizes for their necessary vses, according to their estate and callings: As is contained in the restraints of the saide Letters Patents of the moneth of May.

ARTIC. 5.

Item, all Opposers against the Sentences & Decrees of the said Prior and Consulls, are exempt from the said authoritie, and they cannot thereby be constrained to bring their causes of opposition before the said Prior & Consuls: But they shall return the same vnto the Iudges, to whom the knowledge thereof doth appertaine: who hauing heard the same, and giuen sentence thereof, and the execution being accomplished, both for the right of the King, and the performance of Iustice, or otherwise ordeined by the Iudge to whom

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whom the knowledge of the said oppositions doth appertaine : As is contained in the Restraints of the said Letters Patents of the moneth of May.

ARTIC. 8.

Item, all Appeales of the Sentences and Ordinances of the said Prior and Consulls, shall be brought immediately into the Court of Parliament of the said *Thoulouze* : And none other Iudge can reform the Iudgements of the said Prior and Consulls: As is contained in the Letters of the moneth of Iuly, 1549 And of the moneth of May, 1551.

*Three Additions to resolve
two difficulties.*

ARTIC. 12

Item, all that be exempted from the Iurisdiction of the saide Prior & Consulls, cannot by any meanes submit theselues therevnto, to take any benefite thereof,

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thereof, vnlesse it bee by the Kings expresse Commandement, or consent of the other Iudges, in speciall fauour and regard of the causes of the said exemptions, wherein the sayd Prior & Consuls must be wise and diligent, to auoyd the offence of rash and fearefull Iudges.

ARTIC. 2.

Item, sauing & excepting the heires of such as be dead, that were in their life time, subiect to the saide Authoritie, which heires (the debts owing by their Predecessors being proued, and they submitting themselues againe by new Obligations to the rigor of the sayde Authoritie) may bee constrained by arrest, and imprisonment of their persons: Renouncing the Priuiledges of the same Articles, made only in the fauour of the said heires; As by the sayde Article before alleaged doth appeare.

ARTIC. 3.

Item, excepting the heires & Successors

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fors of Merchants, frequēting the same Bourse, who, of what estate, profession, or qualitie soeuer they be, either Noble or head Officers of the sayd Citie of *Thoulouze*, or of any other conditiō, not vsing nor professing the Trade of Merchandizing or Exchange, shall be conuented, adiourned, and pursued by all due wayes, & reasonable courses, euen as their Predecessors Merchants should haue beene, if they had liued, before the said Prior and Consuls, for all things concerning the Trade of Merchandize, and matters of Exchange, done and vsed by their sayde Predecessors Merchants, without pretending or alleaging any disabilitie or insufficiencie, by reason of their Estate. Prouided alwayes, that the suing of them shall bee done, without arresting or imprisoning of their persons: And the sayd heires (of what condition soeuer they bee) may sue, or cause to bee sued, all other Merchants for the causes and reasons before rehearsed, before the sayd Prior and Consuls, and no where else: As is contained in the said Letters Patents of
the

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the Moneth of Februarie, and as in all common right is obserued.

What matters are subiect to the sayd Authoritie, and what matters are not.

ARTICLE. 1.

Item all debates and differences, by reason of trafficke, and dealing in Merchandize, or cause of Exchange, be it by Obligation, Bill of debt, Receites, Blankes signed, Letters of Exchange and Rechange, Suertiships, Partnerships, (generall or particular) nominations of the sufficiencie of men, or places where they dwell, Debts, Assurances, Accounts, or Auditings of accoûts, Transpors, Bargaines, and all other Acts and things, with their circumstances, and what els belonging vnto them, do appertaine to the knowledge of the sayd Prior & Consuls, as is contained in the said Letters Patents, of the Moneth of May.

ARTIC. 2.

Item, the imposition or Assessement of such necessary Summes of monies,

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as shalbe needfull for the building, buying, or hiring of a place, fit for the exercises of the said Iurisdiction to be vsed in, and for the profit of the sayd cōmon Bourse, & of all things belonging therevnto: As also for the entertayning (in good estate and due fourme) for the ease and benefite of the transportation of all Merchandize, alongst the Riuers of *Garona*, and *Geronda*, from the sayde Citie of *Thoulouze*, to the Citie of *Bordeaux*, and of all other Riuers within the Countries of *Languedocke*, and *Lerogois*. Also the taxation and aslessement of euery Merchant (as well Inhabitant, as Stranger vsing the Trade of the saide *Thoulouze*) according to their abilities and dealings, doeth appertaine to the said Prior and Consuls; as is contained in the said Letters Patents of the month of May.

ARTIC. 3.

Item, the said Prior & Consuls, may impose penalties of money, vpon all such Merchants as shall obstinately refuse to pay such sums of money as are taxed vpon the for the causes abouesaid
by

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by the said Prior and Consuls, and their Councell : And shall constraine them therevnto, by all due wayes, & reasonable meanes, & also by imprisonment of their persons, vntill such time as they shall make payment of the monies imposed vpon them, as aforesaid. And the penalties that shal grow thereupon, shall be disposed of, by the Prior and Consuls, the one halfe for the King, the other halfe for the benefite of the sayde Bourse; As is contained in the saide Letters Patents of the Moneth of May.

ARTIC. 4.

Item, there doth appertaine to the said iurisdiction of the sayd Prior and Consuls, the knowledge of rendring of accounts, payments of the whole, or of part, and all other things concerning the Trade of Marchandize, and order of Exchange: As is contained in the said Letters Patents, of the Moneth of May.

ARTIC. 5.

Item, the punishing of all fraudes, abuses, deceites, falsifications, and all
other

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other ill dealings in Merchandizes, bought and vsed in the saide Countries of *Languedocke* and *Lorogois*: And all abuses committed in the course of Exchanges: All this, in all reason, doth appertaine to the said Prior and Consuls, as is contained in the said Letters.

Matters wherein the Prior or Consuls, are forbidden to deale withall.

ARTICLE. I.

Item, all matters criminall or offensive, in regard whereof, the Kings Attourney is a partie, and thereby hath interest therein, as falsifying of Obligations, and Billes of debt, or other writings, matters of reproch, or discredit of persons, thefts, and other euill and vnlawfull behauiours, done and committed, aswell by the sayde Merchants, as by their Seruants, Factors, and Intermedlers in causes of Merchandize. As also all others, not exercising the Trade of Merchandize, are forbidden to be delt withall, by the said Prior and Consuls, As is contained in the restraints

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straints of the saide Letters Patents, of
the moneth of May, hereafter specified,

ARTIC. 2.

Item, the said Prior and Consuls, are
not to deale with the cōtracts of Vsury,
either fained, or otherwise vnlawfull,
whereby the offender, by all reasona-
ble iudgement deserueth punishment:
As is contained in the said restraints.

ARTIC. 3.

Item, all Ciuill causes, between men,
of what qualitie soeuer, besides those
which concerne Trade of Merchan-
dize, or matter of Exchange, bee it by
gift of the dead, by Will, or in aduance-
ment of Marriage, enterchanging of
goods by consent, & all other such like
Contracts : be all exempted from the
dealing of the said Prior and Consuls:
As is contained in the said restraints.

ARTIC. 4.

Item, the said Prior and Consuls, are
not to deale with any opposition, made
vpon the execution of any of their Sen-
tences, or ordināces, as is before expref-
sed, and conteined in the said restraints.

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ARTIC. 5.

Item, the Authoritie of the sayd Prior & Consuls, is onely in Ciuill causes, according as before is recited : and all such forfeitures as shall happen, shall be arbitrated by the discretion of the saide Prior and Consuls, and disposed of, as before is said.

ARTIC. 6.

Item touching all matters that concerne the Authoritie of the Prior and Consuls, and doe appertaine to their knowledge, all other Iudges, their Deputies, or Assignes, within all the Kings Dominions, cannot impeach or gaine-say : Neither shall they crosse or contradict any thing, directly, or indirectly, whatsoeuer the said Prior and Consuls, or their Officers shall do : As is mentioned in the Letters Patents, in the Month of May.

The matters wherein they may Summarily proceed.

THE King in his said letters patēt, of the month of May, hath named & specified the said matters Sūmaries, the knowledge

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knowledge whereof doth appertaine to the said Prior and Consuls, which bee these: Knowledge of Billes, Rescriptions, Letters of Exchange, Letters of Advice, Receites, Blanks signed, Suerties, Garnishment, & Consignations of monies, of what summe so euer: And all other circumstances, belonging and concerning the Trade of Merchandize, and matters of Exchange; As is more amply contained in the Letters Patents, of the Moneth of May.

The maner how to proceed in the sayd Summarie matters inclusive, untill definitive sentence, according to the Kings Ordinance.

ARTICLE. 1.

First, the said Prior and Consuls, shall cause all Complainants, at their first comming before them, in person or by their Atturneyes sufficiently authorized, to nominate a place in the same Towne, for his residence or abiding, and in default thereof, the said Prior and Consuls, shal refuse to receiue their
demaunds,

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demaunds, defences, and oppositions, specially the Complaynants, as is contained in the first Article of the Kings Ordinance in the Rubrick: That all Litigants, &c.

ARTIC. 2.

Item, the said Prior and Consuls, are at all times authorized, to proceed in their said Iurisdiction, ordained for the expedition of Suites, and the ease of all Merchants trading in that place: except those dayes, and Feastes, in which the Court of Parliament of the sayd place doeth forbear: According to which Order, the said Priour & Consuls may cease the exercises of their Authoritie; And excepting furthermore, the day of the feast of the Kings (called Twelveday) in which the said Prior and Consuls are new chosen.

ARTIC. 3.

Item, the said Prior and Consuls, in the sayde causes, cannot permit more then one delay, which is a sufficient aduantage for the partie offending, as

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is

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is contained in the saide Letters Patents of the Moneth of May : And shall be hereafter declared.

ARTIC. 4.

Item, if any question shall grow, for the reknowledgements of Billes, the partie that is adiourned shall bee permitted but one default, as aboue said, to come, either to confesse, or denie his deed : And hauing made one default, his Bill shall bee held as confessed and available, from the day that the saide Prior and Consuls shal giue their Sentences: As is contained in the Kings Ordinances, and in the Rubricke, for the reknowledgement of Bills.

ARTIC. 5.

Item, the sayde Prior and Consuls, may take notice, that their Authoritie is greater in the reknowledgement of Billes, then the Authoritie of all other Iudges, and more then the foresaid Ordinance doeth expresse: For the sayd Ordinance doeth extend, but to the adiourning of the sayd persons onely.
And

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And the said Prior and Consuls, vpon one only default, and notice left at the lodging of the offender, may, auerre al Billes, and declare the same to be payable, As is contained in the sayd Letters Patents, of the Moneth of May.

ARTIC. 6.

Item, all Debtors and Defendants, being in question for the said matters, Summarie and prouisionall, shall be by their Creditors and Plaintiffes, onely once, warned to appeare: That is at a competent day, and houre, before the said Prior and Consuls, to accept or impugne the demand, which shall be made against them, by their Creditors and Plaintiffes.

ARTIC. 7.

Item, all warnings or adiournments, that shalbe giuen at the first beginning of any Proces, shall containe summarily, all the demaunds of the Plaintiffe, to the ende that the Defendant being

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adiourned, may come prepared for his
answere, at the day and time assigned :
As is contained in the third Article of
the Kings Ordinances in the *Rubricke*
of Adiournments.

ARTIC. 8.

Item, the Messenger or Sericant, executing the sayde Prior and Consuls Letters of Summons, touching the said matter Summarie, hee must adiourne the person him selfe, if hee can finde him: otherwise, he shall fixe, as well the Coppie of the Demaund, as his sayde Exployt, at the doore of the lodging of him that is summoned, and the same to be duly proued : and shall afterwards giue knowledge vnto the said Prior & Consuls, of his diligences done therein : As is contained in the saide Letters Patents, of the Moneth of May.

ARTIC. 9.

Item, forasmuch as in the foresaide matters, the Plaintiff, may (in regard of one default) obtaine aduantage in his
cause,

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cause, as is contained in the sixth Article of the Kings Ordinances, in the *Rubricke* of Sericants. Therefore all executions, or exploitys of all Messengers or Sericants, shall be done vnder the attestation and record of two Witnesses, or of one at the least: And the said Messengers and Sericants, shall bee bound, to leaue a Coppie thereof, with the parties so assigned, or else, to fixe the same vpon the doore of the lodging, as before said: although they make resistance: and to make mention of all their exploitys, at the charges of the Plaintiffe: As is contained in the first & last Article of the Kings Ordinances in the *Rubricke* of adiournments.

ARTIC. 10.

Item, if the partie so adiourned, make not his appearence at the time to him assigned, then the sayd Prior and Consuls, may proceed against him in the said causes, by seizing of his goods, so farre as the summes shall amount vnto, pretended to bee owing to the

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Plaintiffe, or by arresting and imprisoning the partie adiourned if he may beetaken, and so to detaine him, vntill he shall put into the handes of the Iustice, the like summes pretended to be owing to the Plaintiffe: And this, in case where the partie adiourned and imprisoned, would declare nothing in his defence, against the other partie: The hand of the King, and of Iustice first garnished, like as the Conseruator of the Fayres, of the sayd Citie of *Lyon* doth; And is contained in said the Letters Patents, of the moneth of Februarie, hereafter expressed.

ARTIC. II.

Item, without seizure of goods, it is lawfull for the said Prior & Consuls, at the request of the plaintiffe, to proceed against the debtor, by arrest and imprisonment, if that bee thought the easiest way, to doe right to the parties, without shew of Proces: Like as the Conseruator of the sayde Citie of *Lyon*, doeth: According to the will and
plea-

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pleasure of the late King *Francis*, contained in the saide Letters Patents, of the Month of Februarie.

ARTIC. 12.

Item, if the like summes bee consigned by the Defendant, hee being heard in his defences, shall bee released or condemned, by the saide Prior and Consuls, with charges and amends, according to the exegents of the cause, and qualitie of the person. And if the Defendant, and he that is called, bee prisoner, in regard that he hath not garnished the hand of the King and Iustice, nor consigned the summes contained in the demand of his aduerse partie, heard vpon his defence: The sayde Prior and Consuls, shall proceed against all such persons, as abouesayde: And like as the Conservator of the Fayres of the sayde Citie of *Lyon*, doth; To auoyd long proceedings, considering the Parties bee present: And being for matters

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touching Trade of Merchandize, and
causes of Exchange.

ARTIC. 13.

Item, if hee that is adiourned, do
not make his apparance according as
he is assigned to doe, neither is priso-
ner, then after one default, the sayd
Prior and Consuls may proceed, by
seizing of his goods, so farre as the
summes contained in the demaund of
the aduerse partie doe amount vnto.
And they may ordaine, to call the sayd
debtor, that at a certaine day, houre,
and place, hee may come to see his
goods so seized, to be publikely solde,
to the ende that the Plaintiffe may be
satisfied, with the money proceeding
thereof, according to reason, without
any further delay: As is contained in
the sayde Letters Patents, of the Mo-
neth of May.

ARTIC. 14.

Item, if the goods so taken and
seized bee vnmoueable, the sayd Pri-
or and Consuls hauing caused to bee
made

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made the Cries, and present sale thereof, they shall cause the said goods to be committed to a certaine Commissioner, by the messenger or Sericant, who did execute the said Cries : And the partie who is the pursuer, shall cause to be intimated & signified the said Cries to all men, to whom it shall appertain : And to make fast the intimatiō to their exploit of their said Cries, vnder the Counter seale of the said Prior & Consulls, vpon paine otherwise to be of no effect : As is contained in the Kings Ordinances in the Rewbrick of Cries and sales, in the second and fourth Articles.

ARTIC. 15.

Item, the Notice and Cries being done according to the forme accustomedly kept in the Towne of *Tholonze*, the Sentence and Decree of the saide Prior and Consulls being giuen, vpon the goods so notified and sold, shall be interposed and executed in the fauour of him that offereth moſte, and last inhanſer of the price, as is ordinarily done

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ordinarily done in the Iurisdiccions of the other Iudges of the said place; According to the tenor of the said Letters Patents of the Moneth of May: And as contained in the fift article of the kings ordinances in the Rubricke of Obligations.

ARTIC. 16.

Item, forasmuch as the sayd Prior and Consulls by the tenour of the sayd Letters, may vse the solemnities and meanes in the exercising of their Iurisdiction, the which the other Iudges of the Kingdome doe vse; The sayd Prior and Consulls may vpon the interposition of Decree, obserue and keepe, the custome of the Iudges of *Normandie*, contained in the 24. Article of the Kings Ordinances, in the Rewbricke of Abolitions, Confessions, and Graunts, &c. whereof the tenour ensueth.

ARTIC. 17.

Item, when as many peeces of lands and heritages, Returnres do passe by
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one onely Decree, vpon any person for his debts, although there be many inhanfers of price, yet notwithstanding they shall suffer one onely Decree to passe, which shall be by the last inhanfer, to whome the adiudication shall be made; And the Register cannot constrain the other parties, specially the Decretant, to take the Letter of Decree and Estate, But they shall suffer the said Inhanfers to take the letters of their Inhansements simply, And the said Decretant to take the Acte of that which shall be ordeined vpon his opposition, or else the saide Prior and Consuls may make the act of Returne, to the other Iudges, to whome the knowledge of the oppositions do appertaine.

ARTIC. 18.

Item, for all executions where there is commaundement to paie within a certaie time, it shall not be needfull for the validitie of the exployte of
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the Cries & Notices, or other seizing of goods or person, to make farther enquiry of goods moueable: But it shall suffice a Commaundement duly made by a Messenger or Sericant to the person, or warning left at his Lodging, After which the goods seized, or the person arrested, shall remaine vntill such time as he haue obeyed the said Commaundement: As is contained in the Kings Ordinances in the 11. Article of the Rewbricke of Obligations: And in the said Letters Patents of the moneth of February, or otherwise they may proceed to the sale of the goods, as is before specified.

ARTIC. 19.

Item, if the goods so seized be moueables, then after one default, they shall be solde publikely to him that offers most, to make satisfaction to the plain-tiffe: And before the sale of the saide goods, shall cause the partie pursuer to giue a signation to the defailant, for to comé and see sold and deliuered his
goods

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goods to the most offerer, According to the custom of the Iudges of the said place: And is contained in the said letters Patents of the moneth of May.

ARTIC. 20.

Item, if the saide parties adiourned, do make their appearance at the day assigned them, And do shew forth any matter against the demand of the plain-tiffe, being by the said Prior and Con-sulls condemned to garnish and Con-signe the summes contained in the said demand, they cannot impeach or hinder the said garnishing and consignation : Although they doe appeale from the said sentence which is prouisionall, and cannot be impeached or suspended by appeale : as is contained in the last Article of the Kings Ordinances, and in the Rewbricke of prouisionall Sentences; And in default of garnishing and obeying the said Sentences; The said Prior and Consulls, may constrain the Refusants, by arresting and imprisoning of their persons : As is con-

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contained in the two Letters Patents
of the Moneths of May and February
hereafter expressed:

ARTIC. 21.

Item, if one opposition be framed
against the seizing, sale, or delivery of
the goods, or against the Cries or in-
terpositions of Decree, or against any
other chiefe point, where opposition
may take place, the hand of the King
and of Iustice remaining duly garni-
shed, for the matter of the authoritie
of the said Prior and Consulls, the par-
ties so opposing themselves, shall be
sent to their Iudge and chiefe men of
their Prouinee, to declare before them
the causes of their oppositions, As is
contained in certaine Letters of the
Kings; Giuen at *Fountaine Bleau*, the
seuenth day of December, 1551. Read
and published according to their Te-
nours, in the Parliament of the saide
Citie of *Thoulouze*, the ninth day of
February in the same yeare.

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ARTIC. 22.

Item, if the partie adiourned do offer Suertie, yet notwithstanding hee shall be caused to garnish, and then haue power to call his Suertie: The hand of the King & Iustice remaining garnished, who being called, before he be receiued as Suertie, shall make the like garnishment, that after they may proceed aswell against him, as the principall debter, according to reason: And all Sentences & Iudgements that shall be giuen against the Suertie, shall be to be executed; to wit, against the principall debter, for the principall summe: And against the Suerties for the charges, damage, and Interest onely; As is cōtained in the 20. Article of the kings Ordinances, in the Rubricke of Delayses.

ARTIC. 23.

Item, to call a Suertie before
Contestation of the Cause, the sayd
Prior

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Prior and Consulls cannot permit but onely one default, vnlesse the first suertie, will call a third man for suertie, to whome they may allow one other only default : as is contained in the second, third, and fourth Article of the Kings Ordinances, in the said Rubrick of delayes.

ARTIC. 24.

Item, in the said matters to be proceeded against the Cōtumasers, there is no need to giue any delay, but after one default to proceed as aforesaid; for one onely default in the saide matters, doth giue great aduantage to one of the parties; As is contained in the first Article of the Kings Ordinances in the Rubricke of adiourments : And all delayes are left by the King to the discretion of the said Prior and Consulls, to graunt them according to the qualitie of the persons, causes and places, as the other Iudges do.

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ARTIC. 25.

Item, if the demaundant do attempt any suite by subtiltie, and causeth any execution thereof against the aduerse partie, or otherwise if the defendant vse any subtrill helpes, or vnlawfull meanes, to defraude the Plaintiffe, and not to satisfie him; The said Prior and Consulls may condemne the partie culpable, (for vsing the said deceit or vnlawfull meanes) in a forfeiture, and the same to be disposed of as aforesaid; As is conteined in the tenth Article of Kings Ordinances in the Rubricke of Obligations, And in the said Letters Patents of the moneth of May.

*A note of such matters wherein it is
needfull to haue instruction, and
knowledge of the cause.*

ALl those matters are specified and named particularly in the said letters Patents of the moneth of May,
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euen as is likewise named, Obligations, Affotiations, either generall or particular, Nominations of persons, or sufficiency of goods, Assurances, Accounts, and Awditing thereof, loane of Rests, satisfaction of the whole or of part, Transports, Delegations, Nouations of debts, Societies, Bargaines, and other Acts concerning the businesse of the saide Bourse, and all therevnto belonging.

ARTIC. I.

First, the Kings pleasure is, by the tenour of the saide Letters of the Moneth of May, that the sayd Prior and Consulls do proceede to Iudgement of the debates, and differences moued, or to be moued, by reason of the saide matters, after two defaultes, and that the parties adiourned two times, and making no apparance the second day to them assigned, shall be subiect to the same Iudgement: Note that the King hath not limited any time for the said defaultes, but leaueth the same to the discretion

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discretion of the sayd Prior and Consuls, who are to limit the same, according to the distance of the place, quality of the partie adiourned, commodity of the time, and cause of the businessse, as all other Iudges are accustomed to limit the defaults; according to the same circumstances, and according to the common disposition of right: And the tenour of the second Article of the Kings Ordinances in the Rubricke of Delayes.

ARTIC. 2.

Item, whether the parties adiourned do appeare, or make default the day assigned them the seconde time; The saide Prior and Consuls (before they do proceed to Iudgement of the saide matters) shall heare the demaundants, who vpon their oathes shall affirme their debts so demaunded to be true, and containe nothing but truth: And then the defendants so adiourned being present, answering by credite, which is as much to say, that it is

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true, that the demaund of the Plaintiffe do containe truth: And presently the saide Prior and Consulls condemning them to satisfie the said Plaintiffe, with all costes presently taxed, without forme of Proces, by the said Prior and Consulls, according to the Kings pleasure contained in the sayd Letters of the Moneth of May.

ARTIC. 3.

Item, if the parties so adiourned shall answere by no credit, which is as much to say, that the demaunds of the Plaintiffes are not true, in all, or in part, they shall then affirme the same vpon their oathes, and submit themselves to proue the contrary, as is contained in the first Article of the Kings Ordinances in the Rewbricke of Answers.

ARTIC. 4.

Item, if the parties so adiourned, make no appearance (the two defaults being

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being past) then shall the Plaintiffe be subiect to send vnto the Defendant a Coppie of his demaund with his oath, to the end that he may either impugne the same, or allow thereof, which the Plaintiffe may doo either by himselfe, or his Atturney, intimating vnto him, that if he faile therein, that then the said Prior and Consulls, will proceed against him summarily to Iudgement, vpon the Plaintiffes conclusion as before is said.

ARTIC. 5.

Item, if the parties do varie in their demaunds, they shall be subiect to giue in writing, both vnder their handes and oathes, those points wherein they varie, and that within eight dayes, to the ende that diligent enquiry may be made thereof : As is contained in the third Article of the Kings Ordinances in the Rubricke of Articles agreed vpon.

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Of Inquiries.

ARTIC. 1.

Item, the said Prior and Confulls, their Lieftenants and Deputies in making their Inquest, may not receiue any witnesses, nor take their oathes, nor proceed in prooffe, without the aduerse partie be first called therevnto, vpon paine that their proceedings in such a case shall be of no value, and if the partie shall make default, after he hath bene twice called, they may then receiue the witnesses, and proceede to the Inquirie, and all thinges therevnto belonging : As is contained in the 12. 13. and 14. Articles of the Kings Ordinances in the Rubricke of Comissaries to make Inquest.

ARTIC. 2.

Item, if enquirie bee needfull to be made for both parties, and one of the
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the parties will appeale from the Prior and Consulls and their deputies, then the sayd Prior and Consulls and theyr deputies, may make enquirie in the behalfe of the partie that doeth not appeale: As is contained in the 15. Article of the foresaid Rubricke.

ARTIC. 3.

Item, the saide Prior and Consulls in making their enquiries, they cannot giue but one onely default, within which time the parties must make report of their enquiries duly to bee done, and closed with their Scales, As is conteined in the ninth, tenth, and eleuenth Article of the kings Ordinances in the Rubricke of Delayes.

ARTIC. 4.

Item, sauing that if the parties haue done theyr diligences in making the same enquiries, within the time to to them limited, and cannot within that time finish the same, then vpo due

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prooffe made of their diligēces so done,
in such case the said Prior and Consuls
may giue them one onely delay more,
after the which time they cannot make
any further enquirie, by witnessees or
otherwise : As is contained in the 12.
and 13. Articles of the saide Ordinan-
ces.

ARTIC. 5.

Item, the parties receiued to make
enquiry before the said Prior & Con-
suls, may vse all sorts of lawful proofes,
aswell by right, as by the Kings Ordi-
nances, Prouided that the same bee
done, assummarily as may be, accor-
ding to the power of the Authoritie, of
the said Prior and Consuls : All which
is to be done in ciuill manner, be it by
witnesse, by writings publike or pri-
uate, by collection of Letters, by oath
in the fulfilling of all prooffe : And o-
therwise according to the exegents of
the cause, to know the truth, and to in-
struct the Consciences of the said Pri-
or and Consuls.

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ARTIC. 6.

Item, if in the end of the cause of the Demands, & Articles of the Parties, there bee found any Article, false and deceitfull, hee that hath affirmed the same, shall be condemned by the sayd Prior & Consuls, in the penaltie of one hundreth soles-parasitz, halfe thereof to the King, & the other halfe to the partie: As is contained in the 15. Article of the Kings Ordinances, in the Rubricke of Answers. And they may make vse of the same penalties, against all parties, who shall not within eight dayes after all delayes, giue in all their Demands, and things contrary thereunto, being so ordained by the sayd Prior and Consuls: As is contained in the fourth Article of the Kings Ordinances, in the Rubricke of Articles of Agreement.

ARTIC. 7.

Item the sayde Prior and Consuls,
and

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and their Deputies, in the prouing of any matter in the behalfe of any man whatsoeuer, cannot take but ten witnesses, and them secretly, the one after the other, vpon paine of an arbitrable penaltie, wherein the sayd Prior and Consuls and their Deputies may bee condemned, by the Court of Parliament of the same place: And that all witnesses of whom they shall take herein aboue the sayde number, shall bee reiected: As is contained in the Rubricke of Witnesses, and likewise vpon a matter in the Kings Ordinances.

ARTIC. 8.

Item, the Inquiries being receiued, the Parties there, both or seuerally, shall bee subiect to giue in, their Letters of saluations, or reproaches, within three dayes after the Receiuing the sayd Inquiries, without any further delay, vpon paine to bee refused, as is contained in the second Article of the Kings Ordinances, in the Rubrick of Reproaches,

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ARTIC. 9.

Item, all Contradiçions against the Letters and saluations, shall bee giuen in, within eight dayes after the sayde Reproaches, and saluations, without any further delay, otherwise to be refused: As is contained in the sixt Article of the said Ordinances.

ARTIC. 10.

Item, after publication made of the said Inquiries, no reproaches, saluations, and Contradiçions, shall be permitted to be giuen in; But they shall proceed to Iudgement, & decision of the cause, vpon the former proceedings: As is contained in the third Article of the Kings Ordinances.

ARTIC. 11.

Item, all Inquiries, considering they cannot be other then Ciuill, shall bee published before the sayde Prior and Consuls, hauing first obserued the tenour of the Articles here before immediatly

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immediatly written , As is contained in the kings ordinances, in the Rubrick of Publications of Inquests, and euery party in the end of the cause, may retire his owne if he so please : As is obserued in the Iurisdiction of other inferior Iudges.

Of Production.

ARTIC. 1.

Item, if the prooffe be to bee made by Writings , then the Parties are to bring in all the same Writings : by which they pretend to proue their intention, within three dayes , without any further delay, vnlesse the distance of the place, doe require any more time, As is contained in the third Article of the Kings Ordinances, in the Rubricke of Productions.

ARTIC. 2.

Item, if the Parties produce any writings that concerne not the cause (to the end to trouble the Iudgement of

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of the said Prior & Consuls) they may then condemne the same partie, that shall bring in any such Writings, in the penaltie of 100. soles-parasitz, As is contained in the second Article of the foresayde Rubricke, to be applied as before is sayd.

ARTIC. 3.

Item, the sayde respite of three dayes, or other respites, giuen by the discreete deliberation of the sayde Prior and Consulls, being past, the Parties shall not after be permitted to produce any further Writings, but the proces shall bee iudged in the same state, as shall bee found at the expiring of the respite, As is contained in the fourth Article of the foresaid Rubrick of Productions.

ARTIC. 4.

Item, the Register of the sayde Prior and Consuls, shall be subiect to keepe a little Inuentorie of all the Writings

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things that shall be produced, and shall cause the Parties that produce them, to write their names vpon euery one of them, to the ende that none of the writings so produced, bee altered or lost, which might happen to bee of great importance, specially amongst Merchants, betweene whom oftentimes, groweth questions of great summes, contained in little papers; As bills of Debt, and letters of Exchange: And likewise to the ende that all Writings so produced, might bee seene to agree with the tenour of the Inuentory, in the deciding of the Proces: As is contained in the Kings Ordinances, in the Rubricke of Inuentories.

ARTIC. 5.

Item, the said Register shall not take out any Coppy of matters of effect out of the sayde Inuentory, neither for the one partie nor for the other, but onely the cause, and the end wherefore the sayde writings are produced, vpon paine to forfeit a hundreth soles-parisitz,

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parisitz, to bee imployed to the profite of the sayd Bourse, like as the Attorneys of parties in other Iurisdiccions, are condemned in the like summe, to be imployed to their Chappell: As is contained in the second Article of the said Ordinances, in the Rubricke of Productions.

Of Sentences.

ARTIC. 1.

First, the sayde Prior and Consuls, according to the certaintie and trueth of the prooves and alligations made before them, by the parties, shall pronounce their Sentences cleerely, deciding the Proces, vpon paine to be punished by the Court of Parliament of the said place, vpon the reformation of their Sentences: As is contained in the second Article of the said Ordinances, in the Rubricke of Sentences.

ARTIC. 2.

Item, after the said Prior and Consuls, haue pronounced their Sentence
without

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without correcting, adding or diminishing the same, the said Register shall giue a Coppie of the sayde Sentences, to either of the sayd Parties, being required thereunto, vpon an arbitable penaltie to bee layd vpon him, and to be held a false man if hee doe the contrary, as is conteyned in the third Article of the foresaid Rubricke:

ARTIC. 3.

Item, the Kings pleasure is that all Sentences giuen by the saide Prior and Consuls, both interlocutory and definitive, shall be of force and effect, euen as those of other Iudges, As is conteyned in the last Article of the sayde Rubricke of Sentences.

Of Arbitrators.

ARTICLE. 1.

Item, the Merchants of the iurisdiccions of the sayd Bourse of *Thoulouze*, as well by their owne consents,

as

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as by the Commandement of the said Prior and Consuls, may commit their differences to Arbitrators, from whose sentence, they may appeale to the sayd Prior and Consuls, who as they shall see cause, may reforme, or confirme the Sentence of the said Arbitrators.

ARTIC. 2.

Item, the appellation of the Sentence of the Arbitrators, shall not be received by the sayde Prior and Consuls, before the Arbitrament bee performed, by the party that doth appeale; vpon condition to bee restored in the ende of Proces, if it bee so thought good by the saide Prior and Consuls. As is contained in the Kings Ordinances in the Rubricke of Arbitrators,

ARTIC. 3.

Item, the sayd Prior, & Consuls, are to note, that no Merchant, nor other being of their Iurisdiction, can transport, or make ouer their interest to any person Priuiledged, and not subiect to the same Iurisdiction, be it by gift, sale,

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or

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or Exchange, or by any other meanes, to the end to auoyd their Authoritie, vpon paine that the same transports or possessings, shal be of no effect, and the losse of their right and cause: As is contained in the first and second Articles of the Kings Ordinances, in the Rubricke of Sessions.

ARTIC. 4.

Item, all Notaries, who shall receiue any such transports or Sessions, shall be punished by the sayde Prior and Consuls, in an arbitrable penaltie: And further shall bee condemned, to pay vnto the aduerse Partie, all his costes and charges, which hee hath sustained by meanes thereof; As is contained in the first Article of foresaid Rubricke, taken of the common disposition of right.

Of Accusations.

The Parties may accuse the said Prior and Consuls, and others of their Iurisdiction, if they haue lawfull cause so to
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doe. And that not in writing but by word, in his presents whom they suspect: And their accusations shall bee summarily examined and decided; And if in case the sayd Prior and Consuls should bee accused, then the most auncient Merchants, and those who haue had the first preheminance in the said Bourse, shall sit in the place of the said Prior and Consuls: As is obserued in the other Iurisdicktions; And contained in the Kings Ordinances, in the Rubricke of Accusations.

Of Distributions.

ARTICLE. I.

THe said Prior and Consuls, may distribute the Proces vnto the most auncient Merchants, that bee most expert in the matters that bee in question, to make a true report vnto the sayd Prior and Consuls: according to the allegations and proofes of the saide parties, to the ende to decide the same, according to right, without any

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fallery to bee giuen to said Merchants,
in regard of their report.

ARTIC. 2.

Item, all Merchants to whom the
said Prior and Consuls shall distribute
the Proces, they shall be subiect to take
the aduice of the Aduocate, & Attur-
ney of the said Bourse, or of any others,
if there bee any difficultie in the cause,
to the end to discern the right, and to
make the better report therof vnto the
sayd Prior and Consuls, that they may
the sooner end the same, according to
reason and right, and at the charges of
their Parties pursuants, like as the Con-
seruator of the Fayres of the sayd Citie
of *Lyon* doth.

Of Charges and Damages.

ARTIC. 1.

First all Charges and Damages, shall
be taxed by the said Prior and Con-
suls to a certaine summe, as it shall tru-
ly appeare vnto them, by the discourse
of the Proces, hauing a regard to the
qualitie

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qualitie of the Parties, and quantitie of the causes, without receiuing from the Parties any declaration of their charges, and without any other order of proceeding, as is contained in the last Article of the Kings Ordinances, in the Rubricke of Charges: like as the Conseruator of the Fayres of the sayd *Lyon* doth; And is contained in the Letters Patents of the month of February, hereafter specified.

ART IC. 2.

Item, if for the repayre of the Charges, Damages, and Interest, any person were condemned in a penaltie, and to remaine in prison vntill he had satisfied the same, by the sayde Prior and Consuls, the sayd partie cannot bee by them enlarged, without the expresse consent of the Partie interessed, or that he haue satisfied him, As is contained in the seuenth and eight Articles in the Rubricke of Charges, and in the sixt Article of the Rubricke of Penalties.

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Of Penalties.

ALl Penalties adiudged by the sayd Prior and Consuls (to be applyed as before said) shall be leauied without delay, as is contained in the second Article of the foresaid Rubricke of Penalties.

Exhortation.

THe said Prior and Consuls, for the executing of the Kings pleasure, entertaining of their Iurisdiction, following the Order of the Conseruator of the Fayres of *Lyon*, auoyding of all bribing meanes, which the ministers of other Iurisdctions doe vse, and the easing of all Merchāts: To the end that they may more freely exercise & course of their buying & selling of Merchandize, & causes of Exchange in all truth, They must haue regard, that they make no long proceedings, but by all meanes possible force out the trueth, speedily
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to decide the cause in question, so farre
as appertaineth to their knowledge, by
the true affirmations of the Merchants,
and not by fained, subtile, and craftie
writings, which often times do darken
the trueth, vnder the colour of fayre
phrases declared in them; For so is the
Kings pleasure, in the sayd Letters Pa-
tents of the Month of May, whenas
He commandeth them to proceed to
Iudgements, in matters appertaining
to their knowledge summarily,
without figure of long pleas,
and great solemnities
of Proces.

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